IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.948 OF 2007

In

SECOND APPEAL NO.72 OF 2007

Baburao Ganpat Kashimire : Applicant

(Orig.Defendant no.1)

V/s.

Gorakh Dattu alias Dattatraya

Kashimire & Ors. : Respondents

...

Mr.Girish S. Godbole for the applicant.

Mr.M.M.Sathaye for respondent nos.1 & 2.

...

CORAM : S.A.BOBDE, J.

DATE : SEPTEMBER 03, 2007.

P.C.

1. As regards the question of interim relief, it does not appear necessary to stay the entire decree for partition since the substantial questions of law on which the appeal is admitted pertain to the applicability of section 8 to the allocated share of Ganpat received by Baburao. Admittedly, the property which was transmitted from Ganpat to Baburao i.e. C.T.S. no.4949 is not the subject-matter of the suit. The question arises only because it is the

contention of the respondents that Baburao sold the property inherited from Ganpat and purchased other properties which are the subject-matter of the suit.

2. Hence, there shall be no interim stay of the decree pending the Second Appeal.

3. The Civil Application stands disposed of.

S.A. BOBDE, J.